

ORDINANCE NO. 99 - 15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT 99-SCA 103 COM 1 (CASTER/ADDISON PLACE II); MODIFYING PAGE 103 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 3.96 ACRES GENERALLY LOCATED ON THE EAST SIDE OF JOG ROAD, APPROXIMATELY ONE MILE SOUTH OF THE INTERSECTION WITH LINTON BOULEVARD FROM PARKS AND RECREATION (PARK) TO COMMERCIAL LOW, WITH AN UNDERLYING 3 UNITS PER ACRE (CL/3); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

1
2 **WHEREAS**, the Palm Beach County Local Planning Agency conducted a
3 public hearing on May 28, 1999 to review the proposed amendment to the
4 Palm Beach County Comprehensive Plan and made recommendations regarding
5 the proposed amendments to the Palm Beach County Board of County
6 Commissioners pursuant to Chapter 163, Part II, Florida Statutes;
7 and

8 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
9 the governing body of Palm Beach County, conducted a public hearing
10 pursuant to Chapter 163, Part II, Florida Statutes, on June 29, 1999
11 to review the recommendations of the Local Planning Agency and to
12 consider adoption of the amendment; and

13 **WHEREAS**, the Palm Beach County Board of County Commissioners has
14 determined that the amendment complies with all requirements of the
15 Local Government Comprehensive Planning and Land Development Regulation
16 Act.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
18 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

19 **Part I. Amendment to the Future Land Use Atlas of the Land Use**
20 **Element of the 1989 Comprehensive Plan**

21 The following amendment to the Land Use Element's Future Land Use
22 Atlas is hereby adopted and is attached to this Ordinance:

23 **A. Future Land Use Atlas page 103 is amended as follows:**

24 **Application No.:** 99-SCA 103 COM 1

25 **Amendment:** From Parks and Recreation (PARKS) TO
26 Commercial Low, with an underlying 3 units
27 per acre (CL/3);

28 **General Location:** On the east side of Jog Road, approximately
29 one mile south of the intersection with
30 Linton Boulevard;

31 **Size:** 3.96 acres;

B. **Conditions:** This parcel is subject to the following conditions:

1. The property shall be restricted to the following uses:

- Financial institution;
- Office, business or professional;
- Medical office or dental clinic;
- Florist;
- Personal services;
- General retail;
- Laundry services;
- Newsstand or gift shop;
- Printing or copying services;
- Restaurant, quality;
- Restaurant, specialty (no primary delivery services, fast food or drive-thru window);
- Veterinary clinic (no outdoor runs).

2. The buildings constructed on this parcel shall maintain architectural consistency with the buildings constructed on the Addison Place (99-SCA 103 COM 2) property immediately to the south.

3. Pedestrian pathways shall be constructed to provide pedestrian access from this site to all abutting property.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part

1 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
2 Ordinance may be renumbered or relettered to accomplish such, and the
3 word "ordinance" may be changed to "section," "article," or any other
4 appropriate word.

5 **Part V. Effective Date**

6 This amendment shall not become effective until 31 days after
7 adoption. If challenged within 30 days after adoption, this amendment
8 shall not become effective until the state land planning agency or the
9 Administration Commission, respectively, issues a final order
10 determining the amendment is in compliance.

11 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
12 Beach County, on the 29 day of June, 1999.

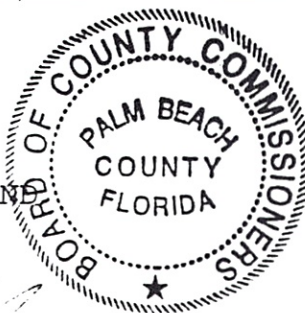
13 ATTEST:
14 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

15 By: Joan Havens
16 Deputy Clerk

By: Maudie Ford Lee
Chair

17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY
19 [Signature]
20 COUNTY ATTORNEY



21 Filed with the Department of State on the 6th day
22 of July, 1999.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 6/29/99
DATED at West Palm Beach, FL on 7/13/99.
DOROTHY H. WILKEN, Clerk
By: Phyllis A. Horne D.C.

EXHIBIT 1

Future Land Use Atlas page 103 is amended as follows:

Amendment No.: 99-SCA 103 COM 1 (Caster/Addison Place II)

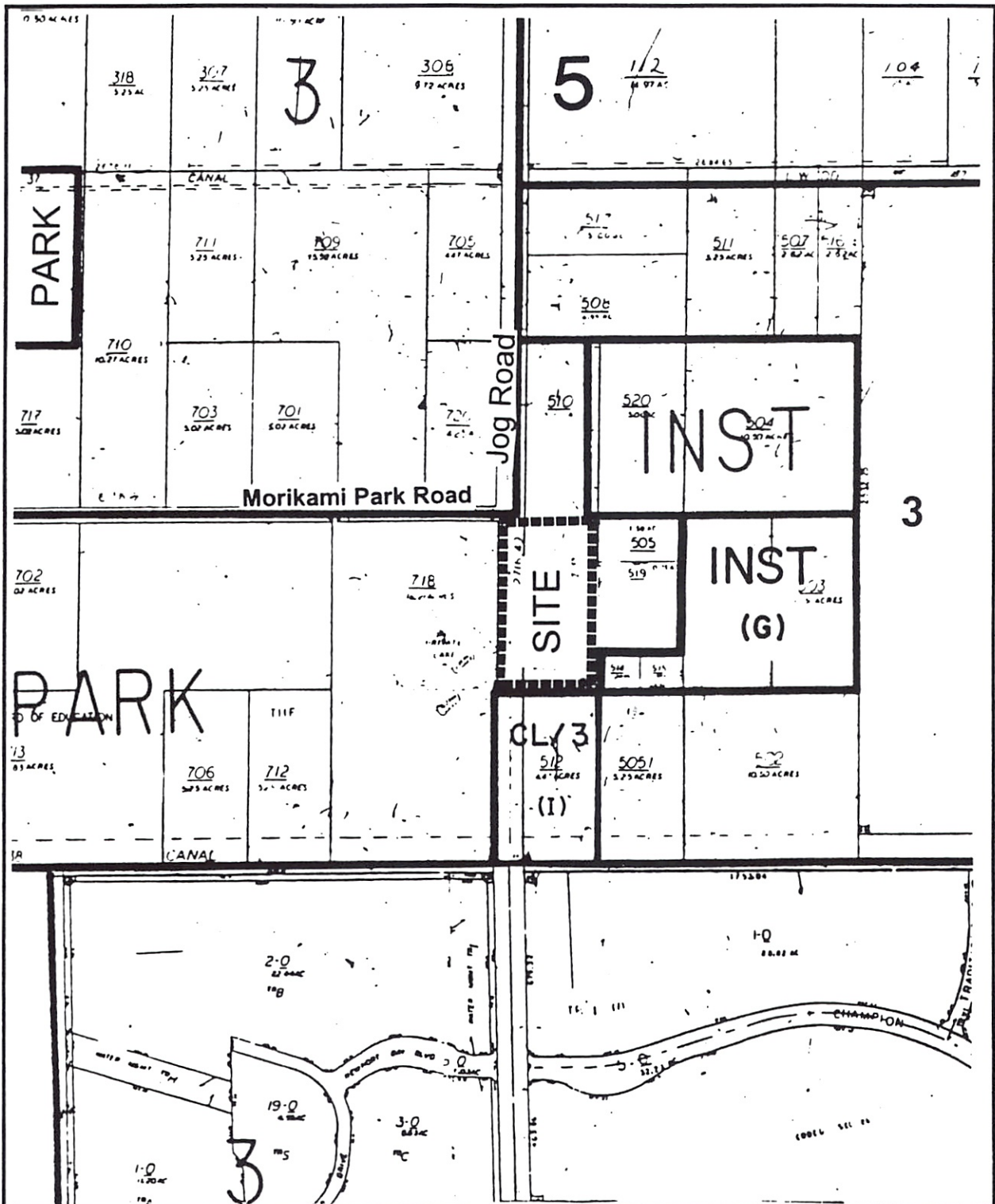
Location: On the east side of Jog Road, approximately one mile south of the intersection with Linton Boulevard

Size: 3.96 acres

Amendment: From Parks and Recreation (PARKS) TO Commercial Low, with an underlying 3 units per acre (CL/3)

Property No.: 00-42-46-27-00-000-5100 (a portion of a 7.97 acre parcel)

Legal Description: See attached



Legal Description:

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; BEING:

THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER, LESS THE WEST 50.00 FEET OF ROAD RIGHT OF WAY, SECTION 27, TOWNSHIP 46 SOUTH, RANGE 42 EAST (5 ACRES, MORE OR LESS); BEING PARCEL "C", RECORDED IN OFFICIAL RECORD BOOK 3163, PAGE 1677, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO BEING THE SAME AS DESCRIBED AS FOLLOWS.

FOR THE PURPOSE OF THIS DESCRIPTION THE BEARING VALUE SOUTH 89°23'50" WEST BEING THE SOUTH BOUNDARY OF "THE PLAT OF POLO CLUB EQUESTRIAN CENTER", AS RECORDED IN PLAT BOOK 61, PAGE 166, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE POINT OF COMMENCEMENT BEING THE SOUTHWEST BOUNDARY PLAT OF THE POLO CLUB EQUESTRIAN CENTER RECORDED IN PLAT BOOK 61, PAGES 166 THRU 167, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°34'58" EAST ALONG THE EASTERLY RIGHT OF WAY OF JOG ROAD PER RIGHT OF WAY MAP (PALM BEACH COUNTY ENGINEERS OFFICE DRAWING NUMBER 86093) A DISTANCE OF 680.65 FEET TO THE "POINT OF BEGINNING"; THENCE CONTINUE SOUTH 00°34'58" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 680.50 FEET, INTERSECTING THE WESTERLY PROLONGATION OF THE NORTH BOUNDARY PLAT OF SAN MICHEL OF THE POLO CLUB RECORDED IN PLAT BOOK 54, PAGES 124 THRU 131, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N.89°25'34" E. ALONG SAID WESTERLY PROLONGATION PLAT OF SAN MICHEL OF POLO CLUB A DISTANCE OF 252.15 FEET; TO THE NORTHWEST BOUNDARY OF SAID PLAT OF SAN MICHEL OF THE POLO CLUB; THENCE NORTH 00°18'40" WEST A DISTANCE OF 680.58 FEET; TO THE NORTH BOUNDARY PARCEL "C" OR 5 RECORDED IN OFFICIAL RECORD BOOK 3163, PAGE 1677, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°24'42" WEST ALONG SAID NORTH BOUNDARY PARCEL "C" OR 5, A DISTANCE OF 255.38 FEET INTERSECTING THE EASTERLY RIGHT OF WAY, SAID JOG ROAD, BEING THE POINT OF BEGINNING.

LESS AND EXCEPTING THE NORTHERLY 25.00 FEET FOR RIGHT OF WAY IN FAVOR OF THE BOARD OF COUNTY COMMISSIONERS, RECORDED IN OFFICIAL RECORD BOOK 3372, PAGE 0128, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO RIGHT OF WAYS AND EASEMENTS, RECORDED OR UNRECORDED.

CONTAINS 3.96± ACRES.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 6/29/99.
DATED at West Palm Beach, FL on 7/13/99.
DOROTHY H. WILKEN, Clerk
By: Thyllis A. House D.C.